

EXHIBIT 3



PAULA K. COLBATH
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Via ECF & Email

August 19, 2024

Chambers of the Honorable Alan B. Johnson
United States District Court for the District of Wyoming
2120 Capitol Avenue, Room 2018
Cheyenne, WY 82001

Re: BCB Cheyenne LLC v. MineOne *et. al.*; Civil No. 23-CV-79-ABJ
Request for Briefing Schedule on Plaintiff's Motion

Dear Judge Johnson:

We, along with our co-counsel Hathaway & Kunz, LLP, represent Defendants MineOne Wyoming Data Center, LLC ("MineOne"), MineOne Partners, LLC, and Terra Crypto Inc. (collectively, the "MineOne Defendants"), and write in response to Plaintiff BCB Cheyenne LLC's Motion for Protective Order, to Quash Subpoenas, for Sanctions against MineOne Data, and to revoke the *Pro Hac Vice* admission of Paula Colbath. (ECF No. 317; the "Motion").

While Plaintiff has styled the Motion it filed last night at 11:00 p.m. EST as an "emergency" Motion because of its desire to quash the subpoenas to non-parties Dr. Bryce Fincham, James Quid, Todd Edwards, Barney Patsel, CMV Global LLC, Bayview Capital Investments LLC, and Black Hills Energy, there is no emergency.

First, the MineOne Defendants already agreed *one week ago* to extend BCB's counsel's time to file motions to quash and/or modify the subpoenas to Dr. Bryce Fincham, CMV Global LLC, and Bayview Capital Investments LLC "until 2 days after the parties have completed an informal discovery conference, as required by Wyoming local rules." See **Ex. A**. The MineOne Defendants agreed yesterday to "cooperate with all third party witnesses" as to their availability and discuss the issue further with Magistrate Judge Hambrick during the conference scheduled for later today. See **Ex. B**. BCB's counsel ignored our willingness to meet and confer on logical deposition scheduling and filed the instant motion in an attempt to burden the MineOne Defendants and the Court.

Second, the MineOne Defendants have not yet served subpoenas on James Quid, Todd Edwards, and Barney Patsel. Rather, the MineOne Defendants merely notified BCB of their *intent* to serve these subpoenas, and ceased all service attempts upon receipt of BCB's Motion. These are key witnesses in the MineOne Defendants' defense and prosecution of their counterclaims.

Third, and unfortunately, BCB's Motion to quash the subject subpoenas operates as a stay of all discovery sought by the subpoenas to these witnesses pursuant to Local Rule 37.1(d). There is



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ample time to resolve this routine discovery dispute prior to the September 17, 2024 discovery cutoff.

Finally, because BCB's Motion is replete with misrepresentations and seeks extraordinary relief against the MineOne Defendants and their counsel, the MineOne Defendants require the full 14 days afforded by Local Civil Rule 7.1(b)(1)(B) to respond. We will respond by September 3, 2024.

We thank Your Honor for his time and attention to this matter.

Respectfully submitted,

/s/ Paula K. Colbath

Paula K. Colbath
Partner

EXHIBIT A

From: Paula Colbath
Sent: Monday, August 12, 2024 12:58 PM
To: Patrick J. Murphy Esq (pmurphy@wpdn.net); Scott C. Murray
Cc: MineOne-BCB; Marc S. Gottlieb
Subject: Mineone Subpoenas

Pat: I received your voicemail message. The MineOne Defendants are agreeable to extend your time to file motions to quash and/or modify the subpoenas, until 2 days after the parties have completed an informal discovery conference, as required by Wyoming local rules.

Your voicemail message also seemed to seek our consent to transfer your motions relating to the subpoenas to the Wyoming Federal District Court. We are agreeable to have any issues relating to the subpoena decided by our Wyoming Magistrate Judge.

Regards,
Paula

EXHIBIT B

From: Paula Colbath
Sent: Sunday, August 18, 2024 2:08 PM
To: Patrick Murphy; Alex Inman; Scott C. Murray; Khale J. Lenhart; Feinstein, Marc; diden@omm.com; sparikh@omm.com; Marc Gottlieb; Meggan Hathaway; Tyson R. Woodford; Pao, William K.; Jane France; Masterson
Cc: David Forrest; Leily Lashkari; Maribel Gill; Sean Larson; Kari Hartman
Subject: Re: BCB v MineOne et al - Notice of Subpoena

Pat: No need to get hysterical over several non-party subpoenas. There is certainly no need for emergency motions. As we have said for months, counsel needs to arrange an all hands meeting to hammer out a logical schedule for depositions. We intend to cooperate with all third party witnesses (and their individual counsel should they retain them) as to their availability. The dates on the subpoenas are simply proposed dates, totally subject to the witness' availability. Given the impending discovery deadline, it was imperative we issued the subpoenas to start discussions with the witnesses on availability, especially given my upcoming vacation.. We can take the issue up with Judge Hambrick tomorrow.

Regards,
Paula Colbath

From: Patrick Murphy <pmurphy@wpdn.net>
Sent: Sunday, August 18, 2024 1:58:29 PM
To: Alex Inman <ainman@loeb.com>; Scott C. Murray <smurray@wpdn.net>; Khale J. Lenhart <KLenhart@hirstapplegate.com>; Feinstein, Marc <mfeinstein@omm.com>; diden@omm.com <diden@omm.com>; sparikh@omm.com <sparikh@omm.com>; Marc Gottlieb <msg@orlp.legal>; Meggan Hathaway <mhathaway@spkm.org>; Tyson R. Woodford <TWoodford@hirstapplegate.com>; Pao, William K. <wpao@omm.com>; Jane France <jfrance@spkm.org>; Masterson <masterson@wpdn.net>
Cc: Paula Colbath <pcolbath@loeb.com>; David Forrest <dforrest@loeb.com>; Leily Lashkari <llashkari@loeb.com>; Maribel Gill <mgill@loeb.com>; Sean Larson <slarson@hkwyolaw.com>; Kari Hartman <khartman@hkwyolaw.com>
Subject: RE: BCB v MineOne et al - Notice of Subpoena

CAUTION: EXTERNAL EMAIL

Dear Ms. Colbath:

I received this email and attachments on Friday afternoon, August 16 at 4:50 pm Mountain.

I am writing this reply email to you as my effort to meet-and-confer with you as to whether you and MineOne Wyoming Data Center LLC ("MineOne Wyoming") will consent to BCB filing an Emergency Motion For a Protective Order [on all these August 2024 subpoenas and August 22 and 23 depositions], for a Motion to Quash MineOne's August 2024 Subpoenas on BCB's Passive Investors, For an Award of BCB's attorney's fees incurred resisting these wrongful foreign subpoenas, and for the fees BCB has already incurred retaining counsel in Illinois and Ohio to resist these wrongful subpoenas, for the Sanction of Default against MineOne Wyoming on Plaintiff's First Amended Complaint, as well as MineOne Wyoming's Answer and Counterclaims, and for the Court's Revocation of Paula Colbath's Pro Hac Vice Admission to Practice in this Wyoming federal district court in this case going forward ("*Emergency Motion*").

Because you arbitrarily set these Illinois, Tennessee and Florida depositions for August 23, 2024, without any discussion or conferral with me, I am now forced, by rule, to file BCB's Rule 26 Motion for Protective Order by midnight tonight. Consequently, I need to hear from you by 8:00 pm tonight if you will consent, or not consent, to BCB filing this *Emergency Motion* (described above). Thank you.

Pat Murphy
Counsel for Plaintiff BCB Cheyenne LLC



Patrick J. Murphy

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From: Alex Inman <ainman@loeb.com>
Sent: Friday, August 16, 2024 4:50 PM
To: Patrick Murphy <pmurphy@wpdn.net>; Scott C. Murray <smurray@wpdn.net>; Khale J. Lenhart <KLenhart@hirstaplegate.com>; Feinstein, Marc <mfeinstein@omm.com>; diden@omm.com; sparikh@omm.com; Marc Gottlieb <msg@orllp.legal>; Meggan Hathaway <mhathaway@spkm.org>; Tyson R. Woodford <TWoodford@hirstaplegate.com>; Pao, William K. <wpao@omm.com>; Jane France <jfrance@spkm.org>; Masterson <masterson@wpdn.net>
Cc: Paula Colbath <pcolbath@loeb.com>; David Forrest <dforrest@loeb.com>; Leily Lashkari <llashkari@loeb.com>; Maribel Gill <mgill@loeb.com>; Sean Larson <slarson@hkwyolaw.com>; Kari Hartman <khartman@hkwyolaw.com>
Subject: BCB v MineOne et al - Notice of Subpoena

Counsel:

Please see the MineOne Defendants' notice of intent to serve subpoenas on Black Hills Energy, James Quid, Todd Edwards, and Barney Patsel.

Regards,

Alex

Alex Inman
Attorney At Law



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